

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**MARQUEZ TAVRON; VERONECA
JONES, as mother, natural guardian and
next friend of MARKEES TAVRON, a minor;
and PHYLLIS NORWOOD, as mother, natural
guardian and next friend of JOHN
NORWOOD, a minor**

PLAINTIFFS

v.

CASE NO. 4:07-CV-00534 GTE

**CITY OF LITTLE ROCK, ARKANSAS;
RIVERFEST, INC., an Arkansas Corporation;
CAPTAIN THOMAS BARTSCH, Little Rock
Police Department, in his individual and official
capacities; DETECTIVE EVERETT HOPPER,
Little Rock Police Department, in his individual
and official capacities; OFFICER SCOTT REEDY,
Little Rock Police Department, in his individual and
official capacities; ROBERT MAACK, in his
individual and official capacities; and JOHN DOES
1-25, each in his/her individual and/or official capacities**

DEFENDANTS

ORDER

The above case is scheduled for a jury trial to commence sometime during the week of August 25, 2008. Plaintiffs are presently proceeding *pro se*.

Three motions to compel are pending.¹ On July 28, 2008, the Court stated that it would deny each of the motions to compel as moot unless counsel for Defendants shows cause why said motions are not moot on or before August 11, 2008. Defendants did not submit a response. Therefore, the motions to compel will be denied as moot.

Defendants Riverfest, Inc., City of Little Rock, Arkansas, and Detective Everett Hopper

¹ Docket Nos. 27, 32, and 34.

filed motions for summary judgment. Plaintiffs failed to respond to these motions. On July 29, 2008, the Court directed Plaintiffs to file a written submission not later than August 8, 2008, stating whether they intend to pursue their case. Additionally, the Court directed Plaintiffs to state whether they oppose the pending summary judgment motions, which the Court noted were well-taken. If they opposed the motions, the Court directed Plaintiffs to submit a written response explaining why the moving Defendants are not entitled to judgment as a matter of law. The Court placed the Plaintiffs on notice that if they failed to respond timely, the Court may dismiss their case. Plaintiffs failed to respond. Therefore, the Court finds that the pending motions for summary judgment should be granted, and Plaintiffs' Complaint should be dismissed for failure to prosecute and for failure to comply with the Court's Order.

Accordingly,

IT IS THEREFORE ORDERED that the Motion to Compel filed by Defendants City of Little Rock and Detective Everett Hopper (Docket No. 27) be, and it is hereby, DENIED as moot

IT IS FURTHER ORDERED that Separate Defendant Riverfest, Inc.'s Motion to Compel (Docket No. 32) be, and it is hereby, DENIED as moot.

IT IS FURTHER ORDERED that Separate Defendant Maack's Motion to Compel (Docket No. 34) be, and it is hereby, DENIED as moot.

IT IS FURTHER ORDERED that Separate Defendant Riverfest, Inc.'s Motion for Summary Judgment (Docket No. 43) be, and it is hereby, GRANTED.

IT IS FURTHER ORDERED that the Motion for Summary Judgment filed by Separate Defendants City of Little Rock and Detective Everett Hopper (Docket No. 46) be, and it is

hereby, GRANTED.

IT IS FURTHER ORDERED that Plaintiffs' Complaint be dismissed for failure to prosecute and failure to comply with the Court's Order.

Dated this 13th day of August, 2008.

/s/Garnett Thomas Eisele
UNITED STATES DISTRICT JUDGE